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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

**IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION**

MASTER CASE NO. 3:07-md-1827 SI, MQ
MDL NO. 1827

Individual Case No. 3:10-cv-01064 SI

DELL INC. and DELL PRODUCTS L.P..

Plaintiffs,

V.

AU OPTRONICS CORP., *et al.*,

Defendants.

**DECLARATION OF MICHAEL P.
KENNY IN SUPPORT OF PLAINTIFFS
DELL INC.'S AND DELL PRODUCTS
L.P.'S MOTION TO PARTIALLY
EXCLUDE THE EXPERT REPORT AND
OPINIONS OF DENNIS W. CARLTON**

Date: January 11, 2013
Time: 9:00 a.m.
Place: Courtroom 10, 19th Floor
Judge: Honorable Susan Illston

1 I, MICHAEL P. KENNY, declare as follows:

2 1. I am a partner with the law firm of Alston & Bird LLP, counsel for Plaintiffs Dell Inc.
3 and Dell Products L.P. (collectively, "Dell") in the above-captioned action currently pending in the
4 U.S. District Court for the Northern District of California. I submit this declaration in support of Dell's
5 Motion to Partially Exclude the Expert Report and Opinions of Dennis W. Carlton. I have personal
6 knowledge of the facts stated herein, and I could and would competently testify thereto if called as a
7 witness.

8 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
9 before the U.S. District Court for the Northern District of Georgia. I have also been admitted to this
10 Court *pro hac vice* as counsel for Dell pursuant to the Court's Pretrial Order No. 1 in the MDL
11 Proceeding.

12 3. Attached hereto as **Exhibit A** is a true and correct copy of the Expert Report of Dennis
13 W. Carlton in *Dell v. Sharp et al.*, February 23, 2012.

14 4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the Deposition
15 of Dennis W. Carlton, April 10-12, 2012.

16 5. Attached hereto as **Exhibit C** is a true and correct copy of the Expert Report of Dennis
17 W. Carlton in the Indirect Purchaser Class Action, *In re TFT-LCD (Flat Panel) Antitrust Litigation*,
18 July 28, 2011.

19 6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from ABA Section
20 of Antitrust Law, *Econometrics: Legal, Practical, and Technical Issues* (2005).

22 DATED: November 20, 2012

By: */s/ Michael P. Kenny*

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